

Via CM/ECF

September 16, 2022

Honorable Gary R. Brown
U.S. District Court, Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722-9014
Courtroom 840

Re: *Zip Aviation, LLC v. Town of East Hampton, et al., Case No. 2:21-cv-04111-GRB-ST*

Dear Judge Brown:

Counsel for Zip Aviation, LLC (“Zip”) and the Town of East Hampton and Robinson Aviation (“Defendants”) have met and conferred and respectfully submit this status update as ordered in this Court’s Order dated May 31, 2022. After meeting and conferring, counsel request a further adjournment of the preliminary injunction hearing in the above-captioned action. Zip and Defendants believe that proceeding with the hearing at this time would be an unnecessary imposition on this Court’s time and resources because the Town did not implement rules related to SVFR operations at any time during the 2022 Season and has no plans to implement rules related to SVFR operations. As a result, Zip and the Defendants have concluded that an immediate resolution of Zip’s pending motion for a preliminary injunction is not necessary at this time, but that the order issued by the Court on the record during the July 30, 2021 hearing may remain in place.

In connection with the above, the parties request an opportunity to provide this Court with a status update on or before April 3, 2023, approximately one month before the 2023 Season begins. At that time, the parties will inform the Court whether they believe a preliminary injunction hearing is necessary and otherwise update this Court regarding the status of this action. In the meantime, the parties will discuss whether the case can be dismissed without prejudice given that SVFR operations were not affected during the 2022 Season and there is no plan in place to implement rules related to SVFR operations in the future.

Sincerely,

/s/ William O’Connor

William O’Connor
*Counsel for Town of East Hampton and
Robinson Aviation*

/s/ David Greenberg

David Greenberg
Counsel for Zip Aviation